

REMARKS

Applicants preserve the right to prosecute all cancelled claims and deleted subject matter in continuing patent applications.

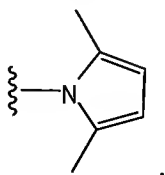
Rejections under 35 U.S.C. § 102(b)

The Office has maintained the rejection claims 1, 2, 4-10, 16-18, 21-22, 24 and 28 under U.S.C. § 102(b), alleging that these claims are anticipated by WO 02/06246. The Office specifically alleges that the carboxyl substituent of the substituted pyrimidinyl group required in WO 02/06246 is R^3 or R^{30} in the instant claims. Applicants respectfully traverse.

Applicants would like to point out that in the Amendment filed on July 30, 2009, the definitions of R^3 and R^{30} were both amended to exclude the possibility of either variable being a carboxyl group. Specifically, CO_2R^4 was deleted from the definition of R^3 in claims 1 and 15, and CO_2R^{40} was deleted from the definition of R^{30} in claims 16 and 18. Accordingly, the pending claims would require that the pyrimidinyl moiety in WO 02/06246 not have a carboxyl group. To the contrary, WO 02/06246 requires that the pyrimidinyl have a carboxyl group. Since all the required elements of the pending claims are not disclosed in WO 02/06246, the pending claims are novel in view of WO 02/06246. Accordingly, Applicants respectfully request reconsideration and removal of this rejection.

The Office has maintained the rejection claims 16-18, 21, 22 and under U.S.C. § 102(b), alleging that these claims are anticipated by Auzou et al. Applicants respectfully traverse.

Applicants have amended claims 1, 16 and 22 to remove the possibility of there being a pyrrole substituted moiety as being an outer ring. That is, Ring A does not include a pyrrole moiety, wherein Auzou et al. requires the following pyrrole substituted moiety:

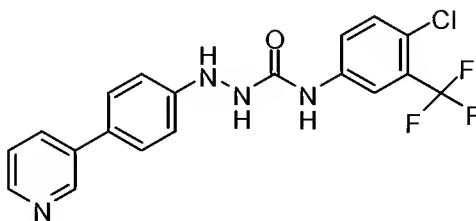


Since Auzou et al. do not disclose all of the required elements of the pending claims, the pending claims are novel in view of Auzou et al. Accordingly, Applicants respectfully request reconsideration and removal of this rejection.

Claim Objections

The Office stated that the claims are not in condition for allowance because they contain non-elected subject matter.

Applicants respectfully point out to the Office that on March 25, 2009, Applicants elected Group I, claims 1-29, drawn to compounds, compositions, and metabolites of Formulas I, II and III. Applicants elected the following species in which claims 1-22 and 24-35 read upon this species:



Accordingly all claims currently under consideration for allowance (i.e., claims 1, 11-22 and 26-28) are within the elected group I.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance, which action is earnestly solicited.

If there are any questions or comments regarding this application, the Examiner is encouraged to contact the undersigned in order to expedite prosecution.

Respectfully submitted,

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